



South Dakota State Board of Dentistry

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**SOUTH DAKOTA STATE BOARD OF DENTISTRY
NOTICE OF MEETING
The Public is Welcome to Attend**

South Dakota State Board of Dentistry

Board Meeting Agenda

10:00 a.m. Friday January 11, 2019

Kneip Building, Board Room C – 700 Governors Drive Pierre, SD

- 1) **Call to Order**
- 2) **Open Forum:** *5 minutes for the public to address the Board*
- 3) **Approval of Minutes:** *October 12, 2018 Board Meeting*
- 4) **Adoption of Agenda**
- 5) **Financial Report**
- 6) **Office Update**
- 7) **Executive Session - SDCL 1-25-2(1), (3) and (4)**
- 8) **License Applications**
- 9) **Old Business:**
 - a. **Administrative Rules** – *Draft ARSD 20:43:08.*
 - b. **Advisory Opinions** – *The Board will discuss advisory opinions regarding Dentists/Lasers and Dental Hygienists/Registered Dental Assistants/Community Education*
- 10) **New Business:**
 - a. **Prescription Drug Monitoring Program Presentation** – *Melissa DeNoon with the Board of Pharmacy will present.*
 - b. **Lake Area Technical Institute Presentation** – *Nicole Pahl with LATI will present.*
 - c. **Western Dakota Tech Presentation** – *Jenna Golden with WDT will present.*
 - d. **University of South Dakota School of Dental Hygiene Presentation** – *Ann Brunick with USD will present.*
 - e. **Speaker Honorarium Application**
 - f. **Anesthesia Update**
 - g. **Scope of Practice Decision Making Framework**
 - h. **Scope of Practice Question – Delegation**
 - i. **St. Francis Mission Dental Clinic Request – Remote Area Medical volunteer registration waiver**
- 11) **2020 Meeting Date:** *The Board will set the meeting date for January of 2020.*
- 12) **Announcements:** *Next Meetings – June 21, 2019 and October 18, 2019.*
- 13) **Adjourn**

SD State Board of Dentistry
Board Meeting
SD Housing Development Authority Conference Room
Friday, October 12, 2018

President Dr. Tara Schaack called the meeting to order at 10:11am Central.

Board Members Present: Dr. Tara Schaack, Dr. Amber Determan, Dr. Harold Doerr, Dr. Nick Renemans, Dr. Scott Van Dam, and Zona Hornstra.

Board Staff Present: Matthew Templar, Kris O'Connell, Brittany Novotny, and Lisa Harsma.

Others Present: Paul Knecht, Amanda McKnelly, Teri Schlunsen, Donald Roesler, Jill Viedt, Scott Terry, Tia Meyer and Lon Hird.

Others Present via Telephone: Orin Ellwein and Randy Sachau.

Schaack called for public testimony during the open forum. Knecht noted the new SDDA positions regarding RDA programs and patient based clinical competency examinations.

Motion to approve the meeting minutes of June 15, 2018 by Determan. Second by Hornstra. Motion carried.

Motion to approve the public hearing minutes of June 15, 2018 by Determan. Second by Hornstra. Motion carried.

Motion to adopt the agenda by Doerr. Second by Van Dam. Motion carried.

Motion to approve the financial statements by Renemans. Second by Van Dam. Motion carried.

Novotny provided an office update.

Motion to move into Executive Session pursuant to SDCL 1-25-2(3) by Renemans. Second by Hornstra. Motion carried. The board went into Executive Session at 10:25am.

Motion to move out of Executive Session by Determan. Second by Renemans. Motion carried. The board moved out of Executive Session at 10:54am.

Motion for a mandate into HPAP for complaint 9.1819 by Van Dam. Second by Hornstra. Motion carried.

Motion to approve the dentist applications of Cameron Jones Clause, Derek D. Garagiola, Spencer Lee Gross, McKenzie Faye Owen, Devan Penfield and Elliott Suh by Doerr. Second by Renemans. Motion carried.

Motion to approve the dental hygienist applications of Tylar Rose Greenleaf, Ashley Gayle Grice, Nicole Gwyneth Hollingsworth, McKenna M. Larsen, Kimberly Lehr, Tiahna Joy Nath,

Krysta Sophia Novak, Stacie Kaye Strehlow, Katlyn Lara Tippets, Taresha Sue Tope, Jordan Nicole Towns, and Jessica M. Zimmerer by Doerr. Second by Renemans. Motion carried.

Motion to approve the dentist credential verification applications of David L. Jones, Thomas Patrick Shannon, Matthew J. Tobkin and Brandon R. Wilcox by Doerr. Second by Renemans. Motion carried.

Motion to approve the dental hygienist credential verification application of Nancy Jean Ulmer by Doerr. Second by Renemans. Motion carried.

Motion to approve the dentist reinstatement application of Brandon Lee Jensen by Doerr. Second by Van Dam. Motion carried.

Motion to approve the collaborative supervision applications of Margaret Beardmore, Tammy Machmiller and Jena Lockwood by Hornstra. Second by Doerr. Motion carried.

Dr. Scott Terry presented information to the Board on laser hair removal and laser resurfacing. The Board directed Kris O'Connell to draft an advisory opinion for consideration at the next meeting.

Motion to approve the monitor courses, as presented, per ARSD 20:43:09:10 by Van Dam. Second by Determan. Motion carried.

Motion to approve the Moderate Sedation courses, as presented, per ARSD 20:43:09:04 by Van Dam. Second by Determan. Motion carried.

Motion to approve the Anesthesia Application policy as presented by Van Dam. Second by Determan. Motion carried.

Lon Hird and Tia Meyer with Southeast Technical Institute gave a presentation on the proposed Radiography Course. Motion to approve the Southeast Technical Institute Radiography course per ARSD 20:43:07:06 by Doerr. Second by Renemans. Motion carried.

Amanda McKnelly from HPAP provided an annual overview of the program.

Motion to table the Swanky Smiles agenda item by Determan. Second by Hornstra. Motion carried.

Motion to approve the speaker honorarium application as presented by Doerr. Second by Van Dam. Motion carried.

The Board discussed the scope of practice request pertaining to education provided by registered dental assistants and dental hygienists. The Board directed Kris O'Connell to draft an advisory opinion relating to registered dental assistants and to review and bring forward updates to the dental hygiene advisory opinion regarding education for consideration at the next meeting.

Motion to approve, per ARSD 20:43:03:01(4), the components of the 2019 patient based dental clinical competency examination administered by SRTA that meet the requirements outlined in ARSD 20:43:03:02 by Determan. Second by Doerr. Motion carried.

Motion to approve, per ARSD 20:43:03:08(4), the components of the 2019 patient based dental hygiene clinical competency examination administered by SRTA that meet the requirements outlined in ARSD 20:43:03:09 by Determan. Second by Doerr. Motion carried.

Motion to accept, per ARSD 20:43:03:04(4) (Dentist Credential Verification), the 2019 patient based dental clinical competency exam administered by SRTA by Determan. Second by Doerr. Motion carried.

Motion to accept, per ARSD 20:43:03:10(4) (Dental Hygienist Credential Verification), the 2019 patient based dental hygiene clinical competency exam administered by SRTA by Determan. Second by Doerr. Motion carried.

Novotny provided a report on the 2018 American Association of Dental Boards (AADB) Annual meeting.

Motion to move into Executive Session pursuant to SDCL 1-25-2(3) by Doerr. Second by Hornstra. Motion carried. The board went into Executive Session at 1:12pm.

Motion to move out of Executive Session by Hornstra. Second by Determan. Motion carried. The board moved out of Executive Session at 1:16pm.

Motion to dismiss complaint 19.1718 by Determan Second by Renemans. Motion carried. Schaack was recused.

The Board discussed the draft updates to ARSD 20:43:08. The Board requested that the draft rules be reviewed for inclusion of a do not delegate list for both dental assistants and registered dental assistants. The Board noted its intent to solicit informal feedback from stakeholders on the draft rules.

The Board announced the following meeting dates: January 11, 2019, June 21, 2019 and October 18, 2019.

Motion to adjourn by Hornstra. Second by Van Dam. Motion carried. The meeting was adjourned at 2:04pm.

Zona Hornstra, Secretary

Remaining Authority by Object/Subobject

Expenditures current through 12/01/2018 09:51:12 AM

HEALTH -- Summary

FY 2019 Version -- AS -- Budgeted and Informational

FY Remaining: 58.1%

09202 Board of Dentistry - Info							PCT
Subobject	Operating	Expenditures	Encumbrances	Commitments	Remaining		AVL
EMPLOYEE SALARIES							
5101030 Board & Comm Mbrs Fees	6,835	360	0	0	6,475		94.7
Subtotal	6,835	360	0	0	6,475		94.7
EMPLOYEE BENEFITS							
5102010 Oasi-employer's Share	519	28	0	0	491		94.6
Subtotal	519	28	0	0	491		94.6
51 Personal Services							
Subtotal	7,354	388	0	0	6,966		94.7
TRAVEL							
5203030 Auto-priv (in-st.) H/rte	1,500	0	0	0	1,500		100.0
5203070 Air-charter-in State	16,000	11,754	0	0	4,246		26.5
5203100 Lodging/in-state	1,000	0	0	0	1,000		100.0
5203130 Non-employ. Travel-in St.	2,500	0	0	0	2,500		100.0
5203140 Meals/taxable/in-state	200	0	0	0	200		100.0
5203150 Non-taxable Meals/in-st	200	0	0	0	200		100.0
5203260 Air-comm-out-of-state	2,000	0	0	0	2,000		100.0
5203330 Non-employ Travel-out-st.	3,000	0	0	0	3,000		100.0
Subtotal	26,400	11,754	0	0	14,646		55.5
CONTRACTUAL SERVICES							
5204010 Subscriptions	300	0	0	0	300		100.0
5204020 Dues & Membership Fees	15,000	2,935	0	0	12,065		80.4
5204050 Computer Consultant	32,400	17,999	13,501	0	900		2.8
5204060 Ed & Training Consultant	8,307	0	0	0	8,307		100.0
5204080 Legal Consultant	30,000	15,957	0	0	14,043		46.8
5204090 Management Consultant	160,603	97,015	135,529	0	-71,941		0.0
5204100 Medical Consultant	15,000	12,104	62,896	0	-60,000		0.0
5204130 Other Consulting	15,500	2,480	117,454	0	-104,434		0.0
5204160 Workshop Registration Fee	2,000	475	0	0	1,525		76.3
5204181 Computer Services-state	2,780	0	0	0	2,780		100.0
5204190 Computer Services-private	500	23	0	0	477		95.4
5204200 Central Services	1,090	2,008	0	0	-918		0.0
5204203 Central Services	201	0	0	0	201		100.0
5204204 Central Services	705	868	0	0	-163		0.0
5204207 Central Services	1,007	0	0	0	1,007		100.0
5204310 Audit Services-state	1,000	0	0	0	1,000		100.0

Remaining Authority by Object/Subobject

Expenditures current through 12/01/2018 09:51:12 AM

HEALTH -- Summary

FY 2019 Version -- AS -- Budgeted and Informational

FY Remaining: 58.1%

09202 Board of Dentistry - Info							PCT
Subobject	Operating	Expenditures	Encumbrances	Commitments	Remaining	AVL	
5204360 Advertising-newspaper	400	0	0	0	400	100.0	
5204480 Microfilm & Photography	500	0	0	0	500	100.0	
5204510 Rents-other	225	433	0	0	-208	0.0	
5204530 Telecommunications Srves	3,000	2,040	0	0	960	32.0	
5204550 Garbage & Sewer	0	21	0	0	-21	0.0	
5204590 Ins Premiums & Surety Bds	1,000	0	0	0	1,000	100.0	
5204740 Bank Fees And Charges	7,500	0	0	0	7,500	100.0	
5204960 Other Contractual Service	4,500	2,650	0	0	1,850	41.1	
Subtotal	303,518	157,008	329,380	0	-182,870	0.0	
SUPPLIES & MATERIALS							
5205020 Office Supplies	2,100	414	0	0	1,686	80.3	
5205310 Printing-state	1,500	0	0	0	1,500	100.0	
5205320 Printing-commercial	4,600	0	0	0	4,600	100.0	
5205350 Postage	4,500	1,921	0	0	2,579	57.3	
5205390 Food Stuffs	0	13	0	0	-13	0.0	
Subtotal	12,700	2,348	0	0	10,352	81.5	
GRANTS AND SUBSIDIES							
5206070 Grants To Non-profit Org	7,500	0	0	0	7,500	100.0	
Subtotal	7,500	0	0	0	7,500	100.0	
OTHER							
5208010 Other	1,000	0	0	0	1,000	100.0	
Subtotal	1,000	0	0	0	1,000	100.0	
52 Operating Subtotal	351,118	171,110	329,380	0	-149,372	0.0	
Total	358,472	171,498	329,380	0	-142,406	0.0	

BA1409R1

STATE OF SOUTH DAKOTA
CASH CENTER BALANCES
AS OF: 11/30/2018

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AGENCY: 09 HEALTH
BUDGET UNIT: 09202 BOARD OF DENTISTRY

COMPANY	CENTER	ACCOUNT	BALANCE	DR/CR	CENTER DESCRIPTION
6503	092000061807	1140000	599,962.31	DR	BOARD OF DENTISTRY
COMPANY/SOURCE TOTAL 6503 618			599,962.31	DR *	
COMP/BUDG UNIT TOTAL 6503 09202			599,962.31	DR **	
BUDGET UNIT TOTAL 09202			599,962.31	DR ***	

BA0225R5 12/01/2018

STATE OF SOUTH DAKOTA
REVENUE SUMMARY BY BUDGET UNIT
FOR PERIOD ENDING: 11/30/2018

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AGENCY 09 HEALTH
BUDGET UNIT 09202 BOARD OF DENTISTRY

CENTER	COMP	ACCOUNT	DESCRIPTION	CURRENT MONTH	YEAR-TO-DATE	
COMPANY NO COMPANY NAME	6503 PROFESSIONAL & LICENSING BOARDS					
092020061807	6503	4293005	DENTIST CREDENTIAL	1,000.00	3,000.00	
092020061807	6503	4293015	HYGIENIST CREDENTIAL	.00	400.00	
092020061807	6503	4293105	DENTIST NEW LICENSE	.00	150.00	
092020061807	6503	4293115	DENTIST JP EXAM	450.00	1,575.00	
092020061807	6503	4293135	DENTIST NITROUS OXIDE	40.00	280.00	
092020061807	6503	4293140	DENTIST MODERATE SEDATION	.00	100.00	
092020061807	6503	4293145	DENTIST MOD SEDAT RENEW	.00	50.00	
092020061807	6503	4293205	HYGIENIST NEW LICENSE	200.00	500.00	
092020061807	6503	4293215	HYGIENIST JP EXAM	230.00	805.00	
092020061807	6503	4293222	HYGIENIST ANESTHESIA	80.00	160.00	
092020061807	6503	4293235	HYGIENIST NITROUS OXIDE	120.00	120.00	
092020061807	6503	4293305	RADIOLOGY NEW	960.00	2,800.00	
092020061807	6503	4293315	RADIOLOGY REINSTATE	.00	40.00	
092020061807	6503	4293405	ADA EXPANDED FUNCTION NEW	520.00	2,560.00	
092020061807	6503	4293420	ADA EXPAND FUNC ADMIN NIT	40.00	1,360.00	
092020061807	6503	4293505	CORPORATE NEW LICENSE	100.00	600.00	
092020061807	6503	4293600	TEMP LICENSE	50.00	700.00	
092020061807	6503	4293850	COLLABORATIVE SUPERVISION	20.00	80.00	
ACCT: 4293		BUSINESS & OCCUP LICENSING (NON-GOVERNMENTAL)		3,810.00	15,280.00	*
092020061807	6503	4299000	OTHER LIC., PRMTS, & FEES	.00	23,720.61	
ACCT: 4299		OTHER LIC, PRMTS, & FEES (NON-GOVERNMENTAL)		.00	23,720.61	*
ACCT: 42		LICENSES, PERMITS & FEES		3,810.00	39,000.61	**
092020061807	6503	4595000	VERIFICATION LETTERS	225.00	925.00	
092020061807	6503	4595800	LIST OF PRACTITIONERS	600.00	2,850.00	

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STATE OF SOUTH DAKOTA
REVENUE SUMMARY BY BUDGET UNIT
FOR PERIOD ENDING: 11/30/2018

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AGENCY 09 HEALTH
BUDGET UNIT 09202 BOARD OF DENTISTRY

CENTER	COMP	ACCOUNT	DESCRIPTION	CURRENT MONTH	YEAR-TO-DATE	
ACCT:	4595			825.00	3,775.00	*
ACCT:	45		CHARGES FOR SALES & SERVICES	825.00	3,775.00	**
092020061807	6503	4920045	NONOPERATING REVENUES	.00	7,113.24	
ACCT:	4920		NONOPERATING REVENUE	.00	7,113.24	*
ACCT:	49		OTHER REVENUE	.00	7,113.24	**
CNTR:	092020061807			4,635.00	49,888.85	***
CNTR:	092020061			4,635.00	49,888.85	****
CNTR:	0920200			4,635.00	49,888.85	*****
COMP:	6503			4,635.00	49,888.85	*****
B UNIT:	09202			4,635.00	49,888.85	*****

1 CHAPTER 20:43:08

2 REGISTERED DENTAL ASSISTANTS AND DENTAL ASSISTANTS

3 Section

4 20:43:08:01 Definitions.

5 20:43:08:02 Dental assistant – ~~Requirements~~ Scope of practice.

6 20:43:08:03 Registered dental assistant -- Requirements.

7 ~~20:43:08:04 — Qualifications by endorsement~~ Knowledge of infection control and applicable
8 Occupational Safety and Health Administration standards.

9 20:43:08:05 ~~Approval of~~ Certificate of competency programs -- Application.

10 ~~20:43:08:06 — Certificate of competency — Examination~~ Repealed.

11 20:43:08:07 Repealed.

12 20:43:08:08 ~~Application for registration~~ Repealed.

13 20:43:08:09 ~~Fee for registration —~~ Registered dental assistant - Renewal.

14 20:43:08:09.01. Registered dental assistant -- Continuing education requirements—~~Registered~~
15 ~~dental assistants~~.

16 ~~20:43:08:10 — Delegation of duties — Supervision~~ Registered dental assistant – Scope of
17 practice.

18 20:43:08:11 ~~Procedures that may not be delegated~~ Repealed.

19 **20:43:08 :01. Definitions.** Terms used in this chapter mean:

20 (1) "Registered dental assistant," a person registered as a registered dental assistant who is
21 authorized to perform expanded functions under the direct supervision of a dentist as authorized
22 by this article;

(2) "Expanded functions," reversible procedures which require professional proficiency and specific training, performed under the direct supervision of a dentist;

(3) "Certificate of competency," a certificate attesting that ~~a dental assistant~~ an individual is qualified to perform expanded functions ~~by~~ obtained by successfully completing a ~~registered dental assistant examination program~~ as described in § 20:43:08:06 20:43:08:05.

Source: 19 SDR 32, effective September 6, 1992; 42 SDR 19, effective August 17, 2015.

General Authority: SDCL 36-6A-14(7), 36-6A-2641.

Law Implemented: SDCL 36-6A-14(7), 36-6A-41.

20:43:08:02. Dental assistant – Requirements Scope of practice. ~~The minimal requirements for a dental assistant are graduation from high school or its equivalent of eighteen years of age. Subject to the supervising dentist exercising full responsibility, a dental assistant may only perform duties or procedures incidental to patient treatment while under direct or indirect supervision of a dentist or personal supervision of a dental hygienist. Duties or procedures incidental to patient treatment do not include expanded functions.~~

The following list of duties or procedures may not be performed by a dental assistant:

- (1) Placing sealants;
- (2) Placing or removing nonsurgical retraction materials for gingival displacement;
- (3) Fabricating or removing provisional restorations;
- (4) Using electronic instruments for caries detection;
- (5) Adjusting dentures or partials;
- (6) Taking digital records or impressions for casts and appliances;
- (7) Adjusting vacuum-formed trays, aligners, or appliances designed to move teeth;
- (8) Intraoral use of rotary hand instruments or ultrasonic instruments;

(9) Any duty or procedure that falls outside of the relevant education, training, and experience of the dental assistant;

(10) Any procedure that cannot be performed by a registered dental assistant; and

(11) Other duties or procedures prohibited by the Board.

A dentist or dental hygienist shall not allow professional incompetence by a dental assistant working under the supervision of the dentist or dental hygienist due to a deliberate act, negligent act, or failure to act.

Source: 19 SDR 32, effective September 6, 1992.

General Authority: SDCL 36-6A-14(1)(10), 36-6A-41, 36-6A-59.1(6).

Law Implemented: SDCL 36-6A-14(1)(10), 36-6A-41, 36-6A-59.1(6).

20:43:08:03. Registered dental assistant -- Requirements. ~~In addition to the minimum requirements in § 20:43:08:02, a registered dental assistant must meet one of the following requirements~~

~~(1) Successfully complete a dental assisting program approved by the board pursuant to § 20:43:08:05;~~

~~—— (2) Hold current credentials as a nationally certified dental assistant; or~~

~~—— (3) Hold a certificate of competency from the board.~~

An applicant for a registration to practice as a registered dental assistant must be at least eighteen years of age and shall provide the following:

(1) A completed application form and an application fee of \$40;

(2) A copy of the applicant's birth certificate or equivalent documentation;

(3) Proof of graduation from high school or its equivalent;

(4) Proof of one of the following:

- a. Graduation from an American Dental Association Commission on Dental Accreditation (CODA) dental assisting program;
- b. Current certification as a Certified Dental Assistant (CDA) through the Dental Assisting National Board, Inc. (DANB); or
- c. Completion of a program approved pursuant to § 20:43:08:05 resulting in a certificate of competency.

(5) A certified letter verifying the registration number and status of the registration from the Board of Dentistry in each state in which the applicant is or has been registered to perform expanded functions; and

(6) A copy of the applicant's current board approved cardiopulmonary resuscitation (CPR) card. The board accepts only the American Heart Association for the Healthcare Provider, American Red Cross for the Professional Rescuer, or an equivalent program approved by the board.

Applicants that have completed a CODA accredited dental assisting program or obtained a certificate of competency must apply within five years of completion of the program or, if the program was completed more than five years prior to application, must have legally provided expanded functions within five years preceding application. Written documentation verifying the current clinical proficiency of the applicant to provide expanded functions may be required from a dentist that has employed or supervised the applicant within the five years prior to application.

The board may issue a registration as a registered dental assistant if an applicant meets the requirements in this rule.

Source: 19 SDR 32, effective September 6, 1992; 42 SDR 19, effective August 17, 2015.

General Authority: SDCL 36-6A-14(6) (7), 36-6A-50(15).

1 **Law Implemented:** SDCL 36-6A-14(6)(7), 36-6A-41, 36-6A-4250(15).

2 **20:43:08:04. Knowledge of infection control and applicable Occupational Safety and**

3 **Health Administration standards** ~~Qualifications by endorsement. A person who has a~~
4 ~~current certificate to perform expanded functions issued by another state, jurisdiction, agency, or~~
5 ~~recognized professional registry may, upon presentation of the certificate to the board be~~
6 ~~considered to meet the requirements of § 20:43:08:03 if the board finds that the standards and~~
7 ~~procedures for qualification in the state, jurisdiction, agency, or recognized professional registry~~
8 ~~which issued the certificate are equivalent to the standards of this chapter. Dental assistants and~~
9 ~~registered dental assistants must be knowledgeable in the following:~~

10 (1) Occupational Safety and Health Administration Hazard Communication Standard as
11 outlined in 29 CFR §1910.1200 (May 25, 2012);

12 (2) Occupational Safety and Health Administration Bloodborne Pathogens Standard as
13 outlined in 29 CFR §1910.1030 (April 3, 2012); and

14 (3) Centers for Disease Control and Prevention Guidelines for Infection Control in
15 Dental Health Care Settings, 2003.

16 **Source:** ~~19 SDR 32, effective September 6, 1992.~~

17 **General Authority:** SDCL 36-6A-14 (1)(7).

18 **Law Implemented:** SDCL 36-6A-14 (1)(7), 36-6A-41, ~~36-6A-42.~~

19 **Reference: Guidelines for Infection Control in Dental Health Care Settings, 2003, Center**
20 **for Disease Control and Prevention.** Copies may be obtained from the Center for Disease
21 Control and Prevention free of charge at <http://www.cdc.gov/>.

22 **20:43:08:05. Approval of Certificate of competency programs -- Application.** A The
23 Board may approve a program of learning leading to a certificate of competency or registration as

~~a registered dental assistant as required by § 20:43:08:03 may be approved by the board pursuant to § 20:43:08:03(4)(c) if the program meets the following standards requirements:~~

~~(1) It constitutes an organized program of learning which contributes to the proficiency and skills of the individual in training to become registered as a registered dental assistant performing expanded functions. The program is conducted by an entity that administers an American Dental Association Commission on Dental Accreditation (CODA) accredited dental assisting program or has applied for and is completing the application process to obtain CODA accreditation for its dental assisting program; and~~

~~(2) It is conducted by individuals who are qualified by special education, training, and experience to conduct the program of learning in expanded functions. The program verifies the competency of participants on areas generally included in the curriculum of its CODA accredited dental assisting program.~~

Application for approval of programs of learning shall be made to the board.

Source: 19 SDR 32, effective September 6, 1992; 42 SDR 19, effective August 17, 2015.

General Authority: SDCL 36-6A-14(7).

Law Implemented: SDCL 36-6A-14(7).

~~20:43:08:06. Certificate of competency — Examination. An applicant for a certificate of competency must pass a written examination on expanded functions administered by the board or the dental assisting national board or any substantially similar test. The applicant must also present to the board written documentation from a South Dakota dentist attesting to the clinical proficiency of the applicant who has performed expanded functions under personal supervision of the dentist for at least 180 days. The passing grade for the examination is 75.~~

Source: 19 SDR 32, effective September 6, 1992.

1 ~~General Authority: SDCL 36-6A-14, 36-6A-41.~~

2 ~~Law Implemented: SDCL 36-6A-14, 36-6A-42.~~

3 **20:43:08:07. Exemption to training requirements.** Repealed.

4 **Source:** 19 SDR 32, effective September 6, 1992; repealed, 26 SDR 37, effective
5 September 20, 1999.

6 **20:43:08:08. Application for registration.** ~~Each person desiring to engage in performing~~
7 ~~expanded functions, except a licensed dentist or dental hygienist, shall apply for registration to~~
8 ~~the board before engaging in such expanded functions. The application shall be made on a form~~
9 ~~furnished by the board and shall be filled out completely. The application shall contain a~~
10 ~~statement that the requirements of this chapter has been read and understood by the applicant and~~
11 ~~shall document the training, experience, and education that qualify the applicant to engage in~~
12 ~~performing expanded functions.~~

13 **Source:** 19 SDR 32, effective September 6, 1992.

14 ~~General Authority: SDCL 36-6A-14, 36-6A-41, 36-6A-42.~~

15 ~~Law Implemented: SDCL 36-6A-14, 36-6A-41, 36-6A-42.~~

16 **20:43:08:09. Fee for registration—Registered dental assistant - Renewal.** ~~If an applicant~~
17 ~~meets the requirements of § 20:43:08:03, the board shall issue a registration as a registered dental~~
18 ~~assistant upon payment of a fee of \$40 for initial registration. Each person registered to practice as~~
19 ~~a registered dental assistant shall annually procure a certificate of registration from the board by~~
20 ~~July first. Each person registered as a registered dental assistant shall maintain a current board~~
21 ~~approved cardiopulmonary resuscitation (CPR) card. The board accepts only the American Heart~~
22 ~~Association for the Healthcare Provider, the American Red Cross for the Professional Rescuer, or~~

1 an equivalent program approved by the board. A registered dental assistant shall pay an annual
2 renewal fee of \$20. A registered dental assistant shall display the registration in the office.

3 **Source:** 19 SDR 32, effective September 6, 1992; 38 SDR 172, effective April 25, 2012;
4 42 SDR 19, effective August 17, 2015; 45 SDR 35, effective September 19, 2018.

5 **General Authority:** SDCL 36-6A-14(6)(7), 36-6A-50(15)(17).

6 **Law Implemented:** SDCL 36-6A-14(6)(7), 36-6A-50(15)(17).

7 **20:43:08:09.01. Registered dental assistant - Continuing education requirements —**
8 **~~Registered dental assistants~~.** A registered dental assistant shall complete at least 60 hours of
9 board approved continuing education in each five-year licensure cycle. One hour of continuing
10 education may be earned for each hour of attendance at a board approved continuing education
11 course.

12 Credit for nutrition continuing education is limited to 15 hours per five-year licensure cycle.
13 Credit for practice management continuing education is limited to 10 hours per five-year licensure
14 cycle. Credit for home study continuing education is limited to 30 hours per five-year licensure
15 cycle. Credit for cardiopulmonary resuscitation continuing education is limited to 15 hours per
16 five-year licensure cycle. Credit for clinical continuing education is unlimited per five-year
17 licensure cycle. Up to five hours of clinical continuing education may be earned for attendance at
18 exhibits at a state, regional, or national dental conference.

19 The board's continuing education guidelines shall be reviewed annually.

20 **Source:** Transferred from § 20:43:03:07.02, 45 SDR 35, effective September 19, 2018.

21 **General Authority:** SDCL 36-6A-14(1)(7), 36-6A-55.

22 **Law Implemented:** SDCL 36-6A-55.

1 **20:43:08:10. Delegation of duties—Supervision.** Subject to the dentist
2 exercising full responsibility, a dental assistant may perform duties and procedures incidental to
3 patient treatment while under the direct or indirect supervision of a licensed dentist or under
4 personal supervision of a licensed dental hygienist. **Registered dental assistant – Scope of**
5 **practice.** Subject to the supervising dentist exercising full responsibility, A a registered dental
6 assistant may perform expanded function procedures functions only under the direct supervision
7 of a dentist.

8 The following list of procedures may not be performed by a registered dental assistant:

- 9 (1) Irreversible procedures;
- 10 (2) Cutting of hard or soft tissue;
- 11 (3) Using lasers that are capable of altering, cutting, burning or damaging hard or soft
12 tissue;
- 13 (4) Intraoral placing, finishing, and adjusting of final restorations;
- 14 (5) Supra and subgingival scaling as it pertains to dental hygiene and those procedures
15 allocated by SDCL 36-6A-40 and by § 20:43:04:04 to dental hygienists with the
16 exception of placing sealants and coronal polishing;
- 17 (6) Injecting medication other than as permitted in § 20:43:09:10.01;
- 18 (7) Administering nitrous oxide analgesia other than as permitted in § 20:43:09:06;
- 19 (8) Monitoring patients under general anesthesia, deep sedation, or moderate sedation
20 other than as permitted in § 20:43:09:10;
- 21 (9) Applying X-radiation to human teeth and supporting structures other than as permitted
22 in chapter 20:43:07;

(10) Any procedure that falls outside of the relevant education, training, and experience of the registered dental assistant; and

(11) Other procedures prohibited by the Board.

A dentist shall not allow professional incompetence by a registered dental assistant working under the supervision of the dentist due to a deliberate act, negligent act, or failure to act.

Source: SL 1975, ch 16, § 1; 6 SDR 87, effective March 2, 1980; 12 SDR 151, 12 SDR 155, effective July 1, 1986; 14 SDR 118, effective March 24, 1988; transferred from § 20:43:04:05, 19 SDR 32, effective September 6, 1992; 42 SDR 19, effective August 17, 2015.

General Authority: SDCL 36-6A-14(7)(10), 36-6A-2641, 36-6A-59.1(6).

Law Implemented: SDCL 36-6A-14(7)(10), 36-6A-2641, 36-6A-59.1(6).

~~20:43:08:11. Procedures that may not be delegated.~~ The following list of procedures may not be delegated by a dentist or dental hygienist to either a dental assistant or a registered dental assistant:

- ~~—— (1) The cutting of hard or soft tissue;~~
- ~~—— (2) Intraoral procedures that will be used directly in the fabrication of a dental prosthesis;~~
- ~~—— (3) Irreversible procedures;~~
- ~~—— (4) The injection of medication other than as permitted in § 20:43:09:10.01;~~
- ~~—— (5) The administration of nitrous oxide analgesia other than as permitted in § 20:43:09:06;~~
- ~~—— (6) The placing, finishing, and adjusting of final restorations; and~~
- ~~(7) Those procedures allocated by SDCL 36-6A-40 and by §§ 20:43:04:04 and 20:43:04:06 to dental hygienists with the exception of placement of sealants and coronal polishing following a prophylaxis by a dentist or dental hygienist.~~

1 **Source:** 6 SDR 87, effective March 2, 1980; 12 SDR 151, 12 SDR 155, effective July 1,
2 1986; transferred from § 20:43:04:05.01, 19 SDR 32, effective September 6, 1992; 32 SDR 188,
3 effective May 15, 2006; 42 SDR 19, effective August 17, 2015; 42 SDR 83, effective December
4 3, 2015.

5 ~~**General Authority:** SDCL 36-6A-14(10)(13).~~

6 ~~—— **Law Implemented:** SDCL 36-6A-14(10)(13).~~

Course Information

Title of Course: *Detailed course outline must be attached:*

2019 Annual OSHA & Infection Control Training

Speaker(s): *Curriculum Vitae or Resume must be attached:*

Karen Daw

Date(s) of Course: May 18, 2019

Course Location: Rapid City, SD

Honorarium Amount requested: \$ 3,620

Applicant Information

Sponsor Organization Name:

South Dakota Dental Association

Sponsor Organization Contact:

Name: Brenda Goeden

Address: 804 N Euclid Ave Ste 103

Phone: 605-224-9133

Email: brenda.goeden@sddental.org

Partner Organization Name (if applicable):

South Dakota Dental Hygiene Association

Application Questions

Please type or print clearly; use additional paper if necessary.

1. Does the sponsor organization meet the requirements to serve as a state contractor?

☒ Yes

☐ No

2. Please list the course objectives:

Understand the top ten OSHA dental citations and how to avoid them;
Training elements of OSHA's Bloodborne Pathogens Standard and how it intersects with CDC Infection Control guidelines; How to conduct a Personal Protective Equipment assessment with a mask fitting demonstration;
Contents of an Exposure Control Plan and Post Exposure Protocol as the heart of the OSHA binder; How to test and maintain dental unit waterlines.

3. What is the target population?

Dentists, hygienists, dental assistants, dental office managers

4. What is the anticipated number of *South Dakota* licensees and/or registrants that will attend this course?

- a. Dentists: 100
- b. Dental Hygienists: 75
- c. Registered Dental Assistants: 100
- d. Radiographers:
- e. Other Dental Office Staff: 25

5. List other possible sources of financial support for this course:

N/a

Karen Daw Bio

Karen received her Bachelor's degree from Ohio State University and after graduation stayed on at OSU as the Assistant Director for the Sterilization Monitoring Service and then as the Clinic Health and Safety Director for the OSU College of Dentistry. She continued her education by earning an MBA with a focus on Management and Healthcare Administration, applying principles of lean processes to safety in the dental field. Karen is an Authorized OSHA Trainer with 20 years of experience as a writer, speaker and consultant providing dental continuing education courses in a relatable and engaging format.

"2019 Annual OSHA & Infection Control"

This presentation is designed to help attendees understand federal laws and guidelines as they pertain specifically to dentistry. At the conclusion of this course, participants will be able to understand: The top 10 OSHA dental citations and how to avoid them; Training elements of OSHA's Bloodborne Pathogens Standard and how it intersects with CDC Infection Control guidelines; How to conduct a Personal Protective Equipment assessment with a mask fitting demonstration; Contents of an Exposure Control Plan and Post Exposure Protocol as the heart of the OSHA binder; and, How to test and maintain dental unit waterlines.



South Dakota State Board of Dentistry

P.O. Box 1079, 1351 N. Harrison Ave. Pierre, SD 57501-1079

Ph: 605-224-1282

Fax: 1-888-425-3032

E-mail: contactus@sdboardofdentistry.com

www.sdboardofdentistry.com

Application for Continuing Education Course Honorarium

Background

It is the policy of the Board to allocate resources, when available, to fund continuing education courses that further the mission of the Board.

Procedure

- Application Deadline: December 7, 2018.
Applications received after this deadline will not be considered.
- Submit Applications to: South Dakota State Board of Dentistry
PO Box 1079
Pierre, SD 57501
Or electronically to contactus@sdboardofdentistry.com
- Fund Amount: The Board will fund up to \$7,500 in total during this request cycle.

Criteria for Consideration

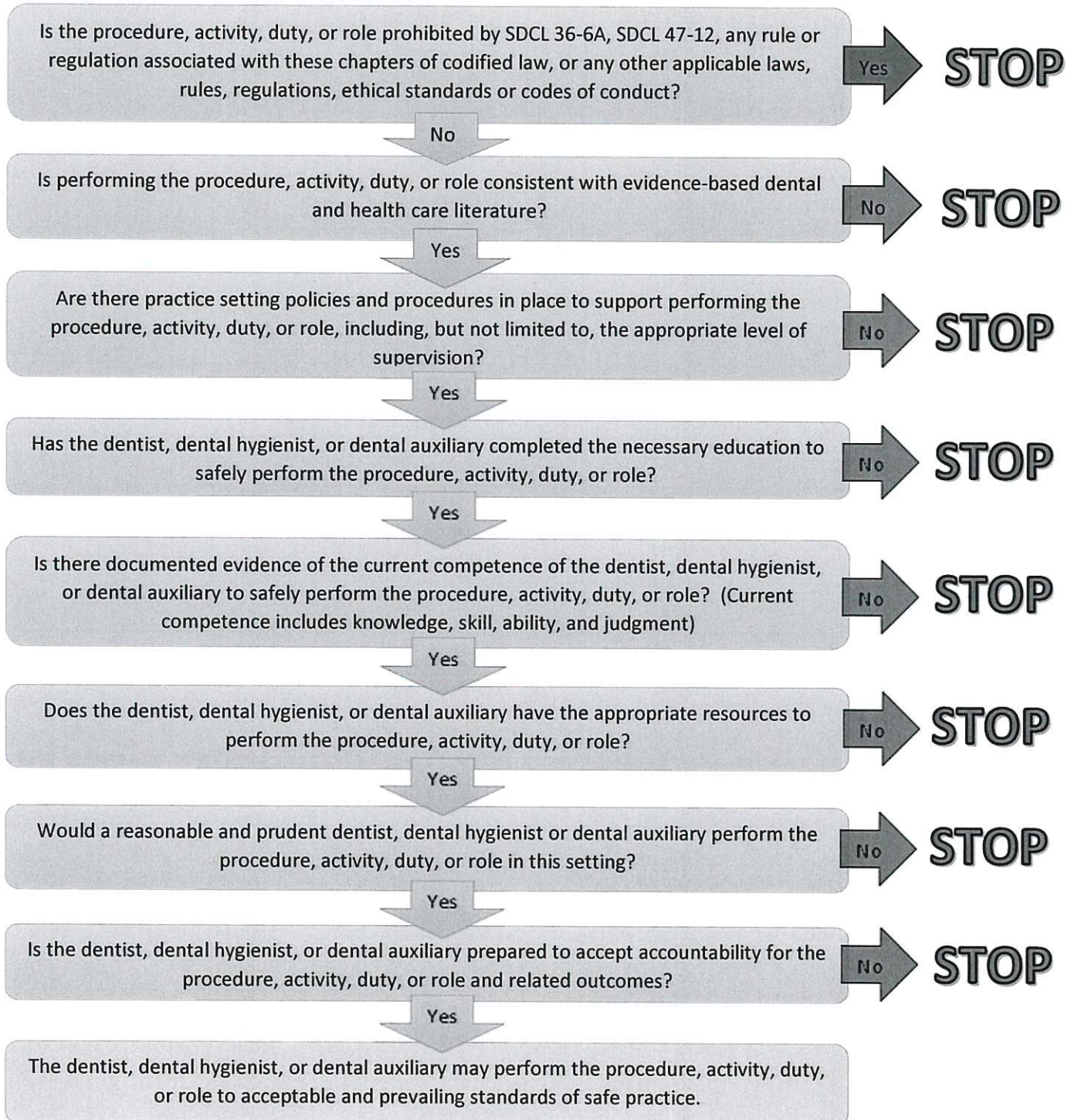
- ✓ The sponsor organization must meet the applicable state contractor requirements.
- ✓ The course must further the mission of the Board.
- ✓ Preference will be given to courses that impact a large number of licensees or registrants and courses provided in partnership with other professional associations.
- ✓ Any funded course must be open to all dental professionals free of charge.

If an application is approved:

- ✓ The sponsor organization must be prepared to complete the state contract process.
- ✓ The sponsor organization must note in its promotional materials the following: *"The honorarium for this speaker is being funded by the South Dakota State Board of Dentistry. This course is open to all dental professionals free of charge. The content and opinions expressed during this course do not necessarily reflect the views of nor are they endorsed by the South Dakota State Board of Dentistry."*
- ✓ Following the course date, the sponsor organization must submit a brief report, including how many South Dakota licensees and/or registrants attended.

Scope of Practice Decision-making Framework

Identify, describe, or clarify the procedure, activity, or role under consideration.



These decision-making framework guidelines are for educational purposes only. The guidelines do not purport to establish a standard of care or advise a course of action for patient care in any particular situation.

Framework adopted by the South Dakota State Board of Dentistry at the board meeting on XXXX.

Brittany Novotny

Subject: FW: Delegation of extra-oral laser procedures

From: Dunes Periodontics <info@dunesperio.com>
Sent: Monday, December 3, 2018 4:25 PM
To: contactus@sdboardofdentistry.com
Subject: Delegation of extra-oral laser procedures

Hello Brittany,

My name is Dr. Scott Terry, and, as you may remember, I came to the October Dental Board meeting regarding the question of whether I could perform laser procedures in locations other than the mouth itself. My next question is, if I was so inclined, could I delegate the performance of these procedures to auxiliary dental staff. Hopefully, a dental hygienist would have adequate training to perform a procedure such as this, assuming they have had adequate laser training. They already have the ability to use laser's inside of the mouth, as long as they are not cutting or removing tissue. The laser procedures that I would be delegating are procedures that are noninvasive and generally safe to perform, as long as the providers are adequately trained. Another question I have is if it is possible for me to oversee an RN or nurse practitioner, or even a PA, if I would want to hire someone to perform procedures in my office. My concern is the fact that nurses and PAs are governed by the medical Board, and of course I fall under the dental board. I would assume that oral surgeons have hired nurses and have the ability to oversee their work in their office. Hopefully you or the board can answer these questions for me. I'm sure that some of these issues fall into some areas that have never been explored. If you have any questions, please contact me. Thank you very much.

Sincerely,

Dr. Scott Terry
605-929-6882



St. Francis Mission | P.O. Box 499
St. Francis, SD 57572-0499
605-747-2361 | www.sfmission.org

Brittany Novotny JD, MBA
Executive Secretary
SD Board of Dentistry
1351 N. Harrison Ave.
Pierre, SD 57501

December 10, 2018

Dear Ms. Novotny:

We at St Francis Mission Dental Clinic want to acknowledge all the support and collaboration that the SD Board of Dentistry has demonstrated to our program.

SFMD hosted Remote Area Medical (RAM) in August of 2018. RAM's Philosophy is their organization is part of a larger effort to address health care issues that plague countless isolated and impoverished communities in the United States and beyond.

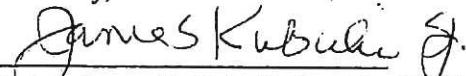
RAM's Mission is to prevent pain and alleviate suffering through operation of **free** mobile medical clinics that deliver high quality vision, dental and medical services to individuals who do not have access or cannot afford a visit to a doctor.

Our recruitment for volunteers for this event would be through the RAM organization and our past partners and volunteers. Most all RAM's volunteers are out of state providers. RAM enrolls all volunteers through their process and RAM provides medical malpractice for all volunteers.

SFMD is requesting that the SD Board of Dentistry consider waiving their requirement for out of state providers to apply for temporary SD Dental license **only** for this annual event.

We will be hosting RAM again August 16-18th, 2019. In 2018, we only were able to recruit 8 dental providers and for 2019, we would like to significantly increase those numbers. RAM can provide dental equipment on location for up to 110 providers and by waiving this SD Board requirement, we believe our recruitment efforts could be much more successful in increasing our numbers.

Sincerely,


Father James Kubicki, SJ, President SFM


Marty Jones, SFMD clinic manager


Austin Keith, Chief Operating Officer SFM

